



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/577,623 | 04/28/2006 | Minerva Yeung | 42P20899 | 9643 |

45209 7590 02/19/2010

INTEL/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

| |
|----------|
| EXAMINER |
|----------|

UTAMA, ROBERT J

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3715

| | |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

02/19/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/577,623 | Applicant(s) YEUNG ET AL. | |
| | Examiner ROBERT J. UTAMA | Art Unit 3715 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/26/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-18 and 20-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-18 and 20-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3715

DETAILED ACTION

Status of the application

This office action is a response to the amendment and argument filed on 10/26/2009. The current status of the application are as follow claims are still pending and claims are 1, 4-18 and 20-34 are cancelled.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A method claim deemed directed to a statutory subject matter if (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. *In re Bilski*, 545 F.3d 943, 88 U.S.P.Q.2d 1385 (Fed. Cir. 2008).

Furthermore, the interim patent subject matter eligibility Examination (dated 08/24/2009) requires that the particular machine tie or particular transformation must meet two corollaries to pass the test for subject matter eligibility. First, the use of the particular machine or transformation of the particular article must impose a meaningful limit on the claim's scope. So, a machine tie in only a field-of-use limitation would not be sufficient. Second, the use of the particular machine or the transformation of the particular article must involve more than insignificant "extra-solution" activity. In this particular case, claims 9 and 15 only provide a field of use limitation that comprise among other thing of downloading and uploading information between two computers.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 3715

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1, 4-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 requires the first and second computing device to be the same device or a different device. The specification, submitted on 04/28/2006, do not contain a description of a first and second computing devices that are one of the same device or different devices. Similarly, claims 5-7 are rejected since the application do not contain a description of a second and third computing devices that are one of the same device or different devices.

Claim Objections

5. Claim 4 objected to because of the following informalities: the amendment submitted on 10/26/2009 cancelled claim 3. For the purpose of the examination, the examiner assumes claim 4 is a dependant of claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3715

7. **Claims 1, 4-8, 19, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shpiro US 2002/0086269, in view of Yamada US 2002/0160341 and further in view of Wasowicz 2004/0175679**

Claim 1: The Shpiro reference provides a teaching of a language tutor system comprising of first computing device configured to execute a client module (see FIG 1 306) and a second computing device configured to execute a server module coupled to client module (see FIG 1 item 302) and wherein the first and second computing devices are a different device, the server module communicatively coupled to the client module where the server module to download an oral language assignment to the client module to enable a student learning a language to login the client module and perform the oral language assignment (see paragraph 30). The Shpiro reference also provides teaching where the client computing device have a web browser to enable the student to communicate with the server module (see paragraph 71). The Shpiro reference is silent if it included the teaching wherein the client module to provide a benchmark audio sentence language in the language to the student, record a recitation of the sentence from the student, evaluate the recitation of the sentence from the student, compare the recitation of the sentence with the benchmark audio and to provide feedback to the student on the comparison. However, the Yamada reference provides a teaching of teaching wherein the client module to provide a benchmark audio sentence language in the language to the student (see FIG. 3 S102 and paragraph 47-55), record a recitation of the sentence from the student, evaluate the recitation of the sentence from the student (see FIG. 3 S104 and paragraph 0047-55), compare the recitation of the sentence with the benchmark audio studio (see FIG. 3 item S106 and paragraph 0047-55) and to provide feedback to the student on the comparison (see FIG 1 S110 paragraph 47-55). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature wherein the client module to provide a benchmark audio sentence language in the language to the student, record a recitation of the sentence from the student, evaluate the recitation of the sentence from the student, compare the recitation of the

Art Unit: 3715

sentence with the benchmark audio and to provide feedback to the student on the comparison; as taught by Yamada; in order to provide a correct diagnostic of the user's speech production (see paragraph 12).

The combination of Shpiro and Yamada fails to provide a teaching where the feedback of from the comparison of the recitation of sentence with benchmark audio is uploaded to the second computing device in order to provide a learning history for the student wherein the learning history comprises a status of the oral language assignment, feedback and grading that results from the evaluation of the oral language assignment by the client module. However, the Wasowicz reference provides a teaching where the where the feedback of from the comparison of the recitation of sentence with benchmark audio is uploaded to the second computing device (see paragraph 57) in order to provide a learning history for the student wherein the learning history comprises a status of the oral language assignment (see paragraph 61), feedback (see paragraph 89) and grading that results from the evaluation of the oral language assignment by the client module (see paragraph 57 scores). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of a teaching where the feedback of from the comparison of the recitation of sentence with benchmark audio is uploaded to the second computing device in order to provide a learning history for the student wherein the learning history comprises a status of the oral language assignment, feedback and grading that results from the evaluation of the oral language assignment by the client module, as taught by Wasowicz in order to provide comprehensive assessment of the subject's linguistic skill.

Claim 4: The Shpiro reference provides a teaching where the feedback from the comparison of the recitation of the sentence by the student by the student with the benchmark audio enables the teacher to customize oral language assignments for the student based on the student's weakness (see paragraph 29) and wherein the weakness are to be derived from the learning history for the student (see paragraph 36).

Art Unit: 3715

Claim 5: The Shpiro reference provides a teaching of a third computing device having a web browser to enable the student a teacher to communicate with server module executing on a second computing device (see paragraph 28 item 308); the server module provides a content management module to provide the content for the oral language assignment downloaded to the client module (see paragraph 28 item 312) and wherein the second and third computing device are different devices (see FIG 1 item 308 and 314).

Claim 7 and 19: The Shpiro reference provides a teaching of a computing device to enable a teacher to communicate with the server module (see paragraph 29 and FIG 1 item 308) and to receive result of the oral language assignment (see paragraph 29). The Shpiro reference fails to provide a teaching of providing a learning history to the student and the teacher and to enable the teacher to provide feedback to the student on the result from the oral assignment.

However, the Yamada reference provides a teaching of a learning history to the student and the teacher and to enable the teacher to provide feedback to the student on the result from the oral assignment (see paragraph 86). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of a teaching of a learning history to the student and the teacher and to enable the teacher to provide feedback to the student on the result from the oral assignment, as taught by Yamada, in order to provide a correct diagnostic of the user's speech production (see paragraph 12)

Claim 8: The Shpiro reference provide a teaching of having an evaluation of the student's pronunciation of each word in the sentence and each phoneme in the sentence (see paragraph 50) and evaluation of the intonation of each word in the sentence wherein the valuation of the intonation includes duration, stress and pitch (see paragraph 51).

Claim 30: The Shpiro reference fails to provide a teaching of uploading client module provide a learning history on each of the students wherein a learning history comprises of the client module evaluation for each sentence recited by the student from all oral homework assignment. However, the Yamada reference provides a teaching of uploading client module

Art Unit: 3715

provide a learning history on each of the students wherein a learning history comprises of the client module evaluation for each sentence recited by the student from all oral homework assignment (see paragraph 86). Therefore it would have been obvious to one of ordinary skilled in the art to include the feature of wherein the feedback form the comparison of the recitation of the sentence with benchmark audio is uploaded to provide a learning history of the student, as taught by Yamada, in order to provide a correct diagnostic of the user's speech production (see paragraph 12).

Claim 32: The Shpiro reference provides a teaching of a storage device wherein the feedback from the comparison of the recitation of the sentence with the benchmark audio is stored on the storage device to provide a learning history for the student. However, the Yamada reference provide a teaching wherein the feedback from the comparison of the recitation of the sentence with the benchmark audio is stored on the storage device to provide a learning history for the student (see paragraph 86). Therefore it would have been obvious to one of ordinary skilled in the art to include the feature of wherein the feedback form the comparison of the recitation of the sentence with benchmark audio is uploaded to provide a learning history of the student, as taught by Yamada, in order to provide a correct diagnostic of the user's speech production (see paragraph 12).

8. **Claims 9-14 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada US 2002/0160341 and in view of Shpiro US 2002/0086269 and further in view of Wasowicz 2004/0175679**

Claim 9: The Yamada reference provides a teaching of playing a benchmark audio to a student via a computer device, wherein the benchmark studio comprises a sentence recited in a language to be learned by the student (see FIG. 3 S102 and paragraph 47-55); recording a recitation of the sentence in the language by the student (see FIG. 3 S104 and paragraph 47-55); evaluating the recitation of the sentence from the student and comparing the recitation of

Art Unit: 3715

the sentence from the student with the benchmark studio (see FIG. 3 item S106 and paragraph 47-55) and comparing the recitation of the sentence from the student with the benchmark audio (see FIG. 3 item S108 and paragraph 47-55).

The Yamada reference fails to provide a teaching where the feedback of from the comparison of the recitation of sentence with benchmark audio is uploaded to the second computing device in order to provide a learning history for the student wherein the learning history comprises a status of the oral language assignment, feedback and grading that results from the evaluation of the oral language assignment by the client module. However, the Wasowicz reference provides a teaching where the where the feedback of from the comparison of the recitation of sentence with benchmark audio is uploaded to the second computing device (see paragraph 57) in order to provide a learning history for the student wherein the learning history comprises a status of the oral language assignment (see paragraph 61), feedback (see paragraph 89) and grading that results from the evaluation of the oral language assignment by the client module (see paragraph 57 scores). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of a teaching where the feedback of from the comparison of the recitation of sentence with benchmark audio is uploaded to the second computing device in order to provide a learning history for the student wherein the learning history comprises a status of the oral language assignment, feedback and grading that results from the evaluation of the oral language assignment by the client module, as taught by Wasowicz in order to provide comprehensive assessment of the subject's linguistic skill.

Claim 12: The Yamada reference provide a teaching of matching text from the benchmark audio with the recitation of the sentence the student to separate the sentence into word and phoneme (see FIG. 3 S104 and paragraph 47-55)) and comparing the pronunciation of each word and phoneme by the student with the pronunciation of each word and phoneme from the benchmark audio (see FIG. 3 item S106 and paragraph 47-55). The Yamada reference fails to provide a teaching comparing the intonation of each word by the student with the intonation of

Art Unit: 3715

each word from the benchmark audio. However, the Shpiro reference comparing the intonation of each word by the student with the intonation of each word from the benchmark audio (see Shpiro paragraph 51). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of comparing the intonation of each word by the student with the intonation of each word from the benchmark audio, as taught by Shpiro, in order to provide an efficient language learning that is able to provide corrective feedback to the user (see paragraph 10-11).

Claims 10 and 21: The Yamada reference fail to provide a teaching of providing feedback on the comparison to the student and uploading the result of the comparison to server module to enable a teacher having access to the server to evaluate the results and provide personalized feedback to the student via web page. However, the Shpiro reference provides a teaching of feedback on the comparison to the student and uploading the result of the comparison to server module to enable a teacher having access to the server to evaluate the results and provide personalized feedback to the student via web page (see paragraph 29). Therefore, it would have been obvious to one of ordinary skilled in the art feedback on the comparison to the student and uploading the result of the comparison to server module to enable a teacher having access to the server to evaluate the results and provide personalized feedback to the student via web page, as taught by Shpiro, in order to provide an efficient language learning that is able to provide corrective feedback to the user (see paragraph 10-11).

Claims 11 and 22: The Yamada reference fails to provide a teaching of a feedback to the comparison to the student and uploading the results of the comparison to a server module provide a learning history to the student and teacher via webpage. However, the Shpiro reference provides a teaching of a feedback to the comparison to the student and uploading the results of the comparison to a server module provide a learning history to the student and teacher via webpage (see paragraph 29). Therefore it would have been obvious to one of ordinary skilled in the art to include the feature of a feedback to the comparison to the student

Art Unit: 3715

and uploading the results of the comparison to a server module provide a learning history to the student and teacher via webpage, as taught by Shpiro, in order to provide an efficient language learning that is able to provide corrective feedback to the user (see paragraph 10-11).

Claim 13: The Yamada fails to provide a teaching where the intonation of each word comprises duration, stress and pitch. However, the Shpiro reference provides a teaching where the intonation of each word comprises duration, stress and pitch (see paragraph 51). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of intonation of each word comprises duration, stress and pitch, as taught by Shpiro, in order to provide an efficient language learning that is able to provide corrective feedback to the user (see paragraph 10-11).

Claim 14: The Yamada reference provide a teaching of benchmark audio is downloaded from a server to client module and wherein the client module plays the benchmark audio to the student via the client computing device (see paragraph 30-31).

Claim 20: The Yamada reference provides teaching of a storage medium having a plurality of machine accessible wherein the instruction are executed by a processor, the instruction provide for playing a benchmark audio to a student via a computing device wherein the benchmark audio comprises a sentence recited in a second language (see paragraph 80); recording a recitation of the sentence in the language by the student (see FIG. 3 S104 and paragraph 47-55); evaluating the recitation of the sentence from the student and comparing the recitation of the sentence from the student with the benchmark studio (see FIG. 3 item S106 and paragraph 47-55) and comparing the recitation of the sentence from the student with the benchmark audio (see FIG. 3 item S108 and paragraph 47-55).

The Yamada reference fails to provide a teaching where the feedback of from the comparison of the recitation of sentence with benchmark audio is uploaded to the second computing device in order to provide a learning history for the student wherein the learning

Art Unit: 3715

history comprises a status of the oral language assignment, feedback and grading that results from the evaluation of the oral language assignment by the client module. However, the Wasowicz reference provides a teaching where the where the feedback of from the comparison of the recitation of sentence with benchmark audio is uploaded to the second computing device (see paragraph 57) in order to provide a learning history for the student wherein the learning history comprises a status of the oral language assignment (see paragraph 61), feedback (see paragraph 89) and grading that results from the evaluation of the oral language assignment by the client module (see paragraph 57 scores). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of a teaching where the feedback of from the comparison of the recitation of sentence with benchmark audio is uploaded to the second computing device in order to provide a learning history for the student wherein the learning history comprises a status of the oral language assignment, feedback and grading that results from the evaluation of the oral language assignment by the client module, as taught by Wasowicz in order to provide comprehensive assessment of the subject's linguistic skill.

Claim 23: The Yamada reference provides a teaching of matching text from the benchmark audio with the recitation of the sentence by the student to separate the sentence into words and phonemes (see FIG. 3 S102 and paragraph 47-55); comparing the pronunciation of each word and phoneme by the student with the pronunciation of each word and phoneme from the benchmark audio (see FIG. 3 S108 and paragraph 47-55). The Yamada reference fails to provide a teaching of comparing the intonation of each word by the student with the intonation of each word from the benchmark audio. The Shpiro reference provides a teaching of comparing the intonation of each word by the student with the intonation of each word from the benchmark audio (see Shpiro paragraph 51). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of comparing the intonation of each word by the student with the intonation of each word from the benchmark audio, as taught by Shpiro,

Art Unit: 3715

in order to in order to provide an efficient language learning that is able to provide corrective feedback to the user (see paragraph 10-11).

Claim 24: The Yamada reference fails to provide a teaching wherein the intonation comprises duration, stress and pitch. However, the Shpiro reference provides a teaching where the intonation of each word comprises duration, stress and pitch (see paragraph 51) and where the benchmark audio is downloaded from a server to a client module and wherein the client module plays the benchmark audio to the student via the client computing device (see paragraph 44). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of intonation of each word comprises duration, stress and pitch, as taught by Shpiro, in order to provide an efficient language learning that is able to provide corrective feedback to the user (see paragraph 10-11).

9. **Claims 15-18, 26-31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shpiro US 2002/0086269 and in view of Wasowicz 2004/0175679**

Claim 15: The Shpiro reference provides a teaching of downloading an oral homework assignment from a server module to a client module to be distributed to a class of student for performing the oral homework assignment to a client computing device (see paragraph 30), enabling a each student to login to the client module to perform the oral homework module assignment (see paragraph 26). The Shpiro reference provides a teaching where the client module evaluates oral response from each student based on the homework assignment and provides feedback on the intonation of each word in the oral responses from each student (see paragraph 36).

The Shpiro reference fails to provide a teaching where the feedback of from the comparison of the recitation of sentence with benchmark audio is uploaded to the second computing device in order to provide a learning history for the student wherein the learning history comprises a status of the oral language assignment, feedback and grading that results

Art Unit: 3715

from the evaluation of the oral language assignment by the client module. However, the Wasowicz reference provides a teaching where the where the feedback of from the comparison of the recitation of sentence with benchmark audio is uploaded to the second computing device (see paragraph 57) in order to provide a learning history for the student wherein the learning history comprises a status of the oral language assignment (see paragraph 61), feedback (see paragraph 89) and grading that results from the evaluation of the oral language assignment by the client module (see paragraph 57 scores). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of a teaching where the feedback of from the comparison of the recitation of sentence with benchmark audio is uploaded to the second computing device in order to provide a learning history for the student wherein the learning history comprises a status of the oral language assignment, feedback and grading that results from the evaluation of the oral language assignment by the client module, as taught by Wasowicz in order to provide comprehensive assessment of the subject's linguistic skill.

Claim 16: The Shpiro reference provides a teaching of client module evaluation to the server module to enable a teacher having access to a server module to review the module evaluation and provide feedback to the student (see paragraph 29).

Claims 17 and 28: The Shpiro reference provides a teaching wherein the feedback on the intonation each word comprises of duration, stress and pitch for each word (see paragraph 36).

Claims 18 and 29: The Shpiro reference provides a teaching of uploading information regarding whether or not each student in the class has performed the oral homework assignment (see paragraph 30-31).

Claim 26: The Shpiro reference provides a teaching of a storage medium having a plurality of machine accessible instruction, wherein when the instruction are executed by a processor, the instruction provide for downloading an oral homework assignment from a server module to client module to be distributed to a class of students for performing the oral homework

Art Unit: 3715

assignment on a client computing device (see paragraph 30-31); and enabling each student to login to the client module to perform the oral homework assignment (see paragraph 28-29); wherein the client module evaluates oral response based on the oral homework assignment and provides feedback on the pronunciation and intonation of each word in the oral response from each student (see paragraph 52-60).

Claim 27: The Shpiro reference provides a teaching of uploading the client module to the server module to enable a teacher to enable a teacher having access to the server module to review the client module evaluation and provide feedback to the students (see paragraph 29).

Claim 31: The Shpiro reference provides a teaching of an online client having an oral language assignment to be learned by student (see paragraph 30-31); the online client coupled to a client computing device to enable student to login to the online client and perform the oral language assignment, wherein the online client provides a benchmark sentence in the language to the student, to record a recitation of a sentence from the student (see paragraph 28-29) and compare recitation of the sentence from the student, to compare the recitation of the sentence with the benchmark audio and to provide feedback to the student on the comparison (see paragraph 52-60).

Claim 34: The Shpiro reference provides a teaching of a second computing device, the second computing device having a web browser to enable a teacher to communicate with the online client, wherein the teacher, after reviewing the results of a comparison for a student, provides personalized feedback to the student via the online client (see paragraph 29).

10. **Claims 6 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shpiro US 2002/0086269, in view of Yamada US 2002/0160341, in view of Wasowicz and further in view of in view of George US 5,978,648.**

Claim 6: The Shpiro reference provides a teaching of web browser to enable a teacher to communicate with the server module (see paragraph 29) and wherein the second and third

Art Unit: 3715

computing device are different devices (see FIG 1 item 308 and 314).. The Shpiro reference fails to provide a teaching where the server module comprised of a homework management module, homework management module to provide homework assignment to the student, the homework assignments including a homework task, a list of students to download the homework assignment to, a due date, a number of times the students is to complete the task, a minimum score for the homework assignment, and any comments from the teacher. However, the George reference provides a teaching of where the server module comprised of a homework management module (see col. 4:15-20), homework management module to provide homework assignment to the student (see 4:35-45), the homework assignments including a homework task (see FIG. 4 item 54), a list of students to download the homework assignment to (see col. 7:40-8:10), a due date (see FIG 11 item 168), a number of times the students is to complete the task, a minimum score for the homework assignment (see FIG 44) , and any comments from the teacher (see FIG 11 item 186). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of server module comprised of a homework management module, homework management module to provide homework assignment to the student, the homework assignments including a homework task, a list of students to download the homework assignment to, a due date, a number of times the students is to complete the task, a minimum score for the homework assignment, and any comments from the teacher; as taught by George, in order to perform effective grading and assignment of class assignment (see paragraph 1:40-50)

Claim 33: The Shpiro reference provides a teaching of a second computing device, the second computing device having a web browser to enable a teacher to communicate with the online client (see paragraph 28-29) and wherein the second and third computing device are different devices (see FIG 1 item 308 and 314).. The Shpiro reference fails to provide a teaching where the online client includes a homework management module, the homework management module enable the teacher to provide homework assignment to the student includes homework

Art Unit: 3715

task, a list of students to download the homework assignment to, a due date, a number of times the students is to complete the task, a minimum score for the homework assignment, and any comments from the teacher. However, the George reference provide a teaching where the teaching where the online client includes a homework management module see col. 4:15-20), homework management module to provide homework assignment to the student (see 4:35-45), the homework assignments including a homework task (see FIG. 4 item 54), a list of students to download the homework assignment to (see col. 7:40-8:10), a due date (see FIG 11 item 168), a number of times the students is to complete the task, a minimum score for the homework assignment (see FIG 44) , and any comments from the teacher (see FIG 11 item 186). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of server module comprised of a homework management module, homework management module to provide homework assignment to the student, the homework assignments including a homework task, a list of students to download the homework assignment to, a due date, a number of times the students is to complete the task, a minimum score for the homework assignment, and any comments from the teacher; as taught by George, in order to perform effective grading and assignment of class assignment (see paragraph 1:40-50).

Response to Arguments

11. Applicant's arguments with respect to claims 1, 4-18 and 20-34 have been considered but are moot in view of the new ground(s) of rejection.

12. The applicant amendment on claim 1-8 and 31-34 are sufficient to overcome the rejection under 35 U.S.C 101.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3715

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./
Examiner, Art Unit 3715

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715